

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE:

THE HON'BLE MR.JUSTICE M.F.SALDANHA

WRIT PETITION NO.15103/1998

BETWEEN:

Seetharama Bhat,  
s/o Venkatramana Bhat,  
Naveena Kungoor,  
Renjala village,  
Iruvathur Post,  
Karkala Taluk,  
District D.K.  
By GPA Holder Harishbihandra Bhat  
s/o.Seetharam Bhat, Age: Major,  
R/o "Gurakula", No.20/5,  
Uttaregowda St.  
Akkithimmanahalli,  
Shanthinagara,  
Bangalore.

... PETITIONER

(By Sri G.Balakrishna Shastry, Advocate.,)

A N D:

1. The Land Tribunal,  
Karkal, by its Chairman,  
Dist: Udupi.
2. State of Karnataka,  
represented by the Secretary  
to Revenue Department,  
M.S.Building, Dr.Ambedkar Road,  
Bangalore-1.
3. Laxmi Moilthy  
w/o Sheena Moily, Major.
4. Sundar Moily,  
aged about 25 years.
5. Narayana Moily,  
aged about 23 years.
6. Sumathi,  
aged about 17 years.

7. Prakash

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O R D E R

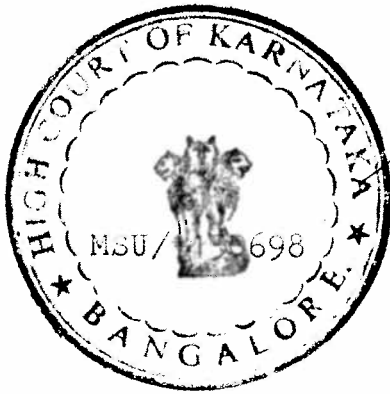
I have heard the petitioner's learned Advocate Mr. Shastri as also the learned Govt. Advocate. Unfortunately, the matter has gone by default before the Tribunal in so far as it has overlooked the fact that the petitioner is the joint purchaser of the land and he has clearly stated in his application that he is a person interested and should therefore be allowed to prosecute the proceeding. Unfortunately, the queries put by the Tribunal were un-answered which was why the application came to be rejected. However, Mr. Shastri points out to me that if the daughters who are residing elsewhere do not prosecute the proceeding for any reason that the petitioner will be prejudiced and that therefore, as a person interested he should be permitted to prosecute it. I am in agreement with this submission.

2. The impugned order is accordingly set - aside . The petitioner's application is allowed and he shall be permitted to prosecute the pending proceeding. However, since it is due to the defaults that have taken place on the part of the petitioner that the earlier order came to be passed, I consider it necessary to impose costs

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quantified at Rs.500/- on the petitioner. These costs will have to be deposited in the Tribunal within a period of two months from today. The Tribunal is directed to implead the petitioner and to dispose of the pending proceeding according to law. The Petition accordingly succeeds to this extent.



Sd/-  
JUDGE